



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE  
MONTGOMERY COUNTY, MD.

**DIVISION OF COMMUNITY RISK REDUCTION SERVICES  
DIRECTIVE**

**Date: August 11, 2006**

**Number: 06-14**

**TO:** All Fire and Explosive Investigations Section Personnel  
**FROM:** Division Chief Michael T. Love *Michael Love*  
**SUBJECT:** Adoption of Montgomery County Police Department Directives  
And Headquarters Memorandum

All Fire and Explosive Investigations personnel must comply with and follow the following Montgomery County Police Department Directives (Function Codes) and Headquarters Memoranda:

MCP Function Code 321, Identification of Plainclothes Personnel, June 7, 2004.

MCP Function Code 509, Juvenile Criminal Arrest Procedure, May 21, 2004.

MCP Function Code 512, Arrest, Questioning, and Search of Students on School Premises, March 3, 2004.

MCP Function Code 513, Processing Arrested Persons, January 29, 2004.

MCP Function Code 521, Arrest Procedures for Fugitives, May 21, 2004.

MCP Function Code 536, Adult Arrest Warrant/DCS Processing and Service, June 23, 2004.

MCP Function Code 625, Field Interviews, March 2, 2004.

MCP Function Code 725, Firearms Search Report (MSP-97), June 16, 2005.

MCP Headquarters Memorandum 01-14, Completion of Charging Documents, September 7, 2001.

MCP Headquarters Memorandum 04-14, Restriction on Searches, September 30, 2004.

Adoption of Police Policies & HDQRTS Memo  
(Cont'd)  
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MCP Headquarters Memorandum 99-10, Search Warrants – Prohibited Access, July 9, 1999.

MCP Function Code 921, Emergency Evaluation of Mentally Disordered Individuals, June 10, 2005.

MCP Headquarters Memorandum 02-05, Use of Deadly Force Against Animals/Reporting Requirements, March 22, 2002.

When a new MCP Department Directive or Headquarters Memorandum is issued that affects the Function Codes listed above, the FEI Section Chief will determine the applicability and will amend this Directive as required.

MTL:MD:ss



# IDENTIFICATION OF PLAINCLOTHES PERSONNEL

FC No.: 321

Date: 06-07-04

If a provision of a regulation, departmental directive, rule or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 16)

## Contents:

- I. Policy
- II. Authorized Identification Items
- III. Undercover/*Plainclothes* Operations
- IV. Identification Procedures
- V. Tentative Recognition Signal
- VI. Proponent Unit
- VII. Cancellation

## I. Policy

The quick and effective recognition of *plainclothes* personnel using consistent procedures is important for the safety of uniformed and *plainclothes*/undercover law enforcement officers. These procedures are designed for both on and off duty personnel. These guidelines have been suggested for members of all agencies in the Washington Metropolitan area. A member is a sworn employee of any law enforcement agency or the Military District of Washington.

## II. Authorized Identification Items

The following items are authorized for identification purposes for Montgomery County Department of Police officers:

1. Official police credentials
2. Police badge or I.D. *access* card displayed on an outer garment
3. A blue windbreaker with "Police" printed on the front and back in large yellow lettering or
4. *Outer garment with "police" printed on it as used by SID officers*
5. A baseball cap displaying the department patch.

*Note: "Off-duty officers in non-uniform attire on the scene of an event may wear a baseball cap, with the front of the cap bearing either the department patch, badge, the word "police", or "Montgomery County Police" with the county logo. Baseball caps are not a recommended form of alternative identification" (FOP contract, Article 35.G.6).*

## III. Undercover/*Plainclothes* Operations

- A. Generally, no officer will visually or verbally recognize an officer in *plainclothes* unless the recognition is initiated by the *plainclothes* officer. Undercover personnel will not be required to carry police identification.
- B. *Plainclothes* personnel acting within the normal scope of their duties will utilize their police credentials when there is a need to identify themselves.
- C. *Plainclothes* personnel working in a police facility will wear a badge or ID *access* card on *or over* an outer garment.

## IV. Identification Procedures

### A. Member Identification

1. Members in *plainclothes* will conspicuously display their badge or ID *access* card when present at crime scenes, calls for service, or whenever it is necessary to be prominently identified. Additionally, officers may be wearing a baseball cap or a raid/police jacket with their agency's badge and/or patch on it.
2. Members who are off duty and carrying a firearm will carry their badge and credentials with them at all times.
3. Notification to the agency's communications unit should be made to alert responding members of the presence of *plainclothes* personnel.
4. Members working *plainclothes* assignments, but not undercover, shall carry their badge and credentials with them at all times.

### B. Challenging *Plainclothes* Officers

1. *Department* members will use extreme caution when confronting suspected *plainclothes* personnel. A position of advantage (cover) should be attained prior to issuing a challenge.
2. The *challenging officer* will state in a loud and clear voice "Police - Don't Move." This challenge should be used in all situations for simplicity and uniformity.

3. *Department* members will proceed with caution until the subject's identity has been confirmed.
4. *Department* members receiving the tentative recognition signal described in section V from a subject they have under their control will regard the signal only as an indication that they may be dealing with a law enforcement agency member.
5. *Department* members will exercise sound judgment in determining whether to protect the role of a *plainclothes officer* by treating the *officer* as a suspect in the presence of others.
6. Once the recognition signal is received and the situation is controlled and stabilized, the challenging *officer* should then request further identification from the challenged person and then proceed accordingly.

C. Challenged Officer

1. Upon being challenged, *officers* will remain motionless unless given a positive directive otherwise.
2. *Officers* will obey the commands of the challenging *officer*, whether that *officer* is in uniform or not. This may entail submission to arrest.
3. *Officers* will not attempt to produce identification unless and until instructed to do so.
4. If circumstances permit, *officers* may verbally announce their identity and state the location of their badge and credentials.
5. *Officers* should ask the challenger to repeat any directions or questions that are unclear and should never argue with the challenger.
6. Challenged *officers* will follow all instructions received until recognition is acknowledged.
7. *Officers* will utilize the recognition signal described in section V when directed by a fellow *officer* to raise their hands.

D. Notifications

When interaction with another law enforcement agency utilizing *plainclothes* personnel is likely and the operation will not be compromised, notification of the activity should be made to the affected agency's communications unit(s).

V. Tentative Recognition Signal

- A. When directed by a uniformed member to raise their hands over their heads, *the challenged officer in plainclothes* will immediately comply by straightening their arms over their heads, crossing them at the wrists with the palms forward and the fingers widespread.

- B. When challenged by an *officer* who is not in uniform, the challenged *officer* should use good judgment as to whether the tentative recognition signal should be used.

VI. Proponent Unit: Special Investigations Division

VII. Cancellation

*This directive cancels Function Code 321, dated 03-03-99.*

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J. Thomas Manger  
Chief of Police



# JUVENILE CRIMINAL ARREST PROCEDURE

FC No.: 509

Date: 05-21-04

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Policy
- II. Discretion
- III. General Information
- IV. Juvenile Warrants
- V. Closing Cases by Exception and Referring to *FCD* for Disposition
- VI. Warrantless Arrest on Accusation/Citizen Arrest
- VII. Warrantless Arrest by Police Officers or Commissioned Special Police Officers
- VIII. Affirmation Form
- IX. Proponent Unit
- X. Cancellation
- Appendix A: Juvenile Court Affirmation
- Appendix B: MCP 187, "Juvenile Detention Notice"
- Appendix C: Juvenile Arrests and Citations Checklist

## I. Policy

All citizens have basic rights that are set forth in common law, statutory law, and the Constitution. Among these rights is the right of persons suspected of criminal acts to be protected from abuse of police power. The policy of the department is to exercise the power of arrest in conformity with all applicable laws. For information concerning adults, refer to FC 510, "Adult Criminal Arrest Procedure." (CALEA 1.2.1, 1.2.5)

## II. Discretion

- A. Officers are vested with a broad range of discretion when deciding whether or not to charge a juvenile with a crime. This directive is not intended to deprive any officer of that discretion when deciding whether or not to charge a juvenile provided it is exercised in accordance with departmental rules and regulations and in furtherance of the police mission. While the discretion to charge a juvenile rests with the officer, the manner in which these charges are placed is determined by departmental policy. (CALEA 1.2.7)
- B. The proper exercise of discretion does not relieve the investigating officer of the responsibility to conduct a

thorough preliminary investigation of the event. (CALEA 42.1.4)

## III. General Information

### A. Laws of Arrest

The laws of arrest apply the same for adults and juveniles. If the laws of arrest prevent an officer from arresting an adult, then the laws of arrest also prevent an officer from arresting a juvenile for the same offense.

### B. Parent/Guardian Notification

When an officer charges a juvenile with a crime, whether by arrest or by exception, the officer must notify the juvenile's parent/ guardian of the charges. In the narrative of the report, the officer must state that the parent/ guardian was notified of what charge(s) was being placed against the juvenile and the date and time the notification was made. (CALEA 44.2.2.e)

### C. Physical Arrests

When a physical arrest is made, officers will refer to FC 513, "Processing Arrested Persons," for procedures.

### D. FCD Responsibility

Family *Crimes* Division (*FCD*) does not conduct follow-up investigations of juvenile arrests or cases closed by exception. Their responsibility is solely to screen the cases to determine the proper referral of the case. The referral could include sending the juvenile to a diversionary program or sending the case to the State Department of Juvenile *Services* (*DJS*).

### E. Citations

Juveniles can only be issued citations for civil violations of the alcohol and tobacco laws. Refer to the Citation Manual for more information.

### F. Arrests on School Property

Whenever a juvenile is arrested on school property, officers will refer to FC 512, "Arrest, Questioning, and Search of Students on School Premises," for additional direction.

## IV. Juvenile Warrants

- A. There is currently no warrant application process for juveniles that can be utilized by an officer.

- B. Juvenile warrants can only be issued by juvenile court judges.
- Juvenile warrants can be served at any time, day or night. If the charge is of a minor nature, service will be made at a reasonable time of day, normally between 0700 and 2200 hours.
- D. Any officer holding a juvenile warrant or having knowledge of one has lawful authority to take the juvenile named into custody.

**V. Closing Cases by Exception and Referring to FCD for Disposition**

- A. Closing cases by exception and referring them to FCD was instituted as a way of presenting juveniles before the juvenile justice system when the laws of arrest prevent the officer from making a physical arrest. Only those misdemeanors that do not fall under the guidelines of *Criminal Procedure Articles 2-202 or 2-203*, can be closed and referred to FCD. (CALEA 44.2.1.c)
- B. A physical arrest must be made on all felonies and misdemeanors that fall under the guidelines of *Criminal Procedure Articles 2-202 or 2-203*, if the officer determines that charges are to be placed.

Exceptions

A felony or misdemeanor can be closed by exception when:

1. The juvenile cannot be located, or
2. The juvenile lives outside of Maryland and the parent/guardian refuses to bring the juvenile to Montgomery County.

Officers should include in the report all efforts on locating the juvenile and/or the parent's/ guardian's refusal to bring the juvenile to Montgomery County.

**D. Event Report**

When closing a case by exception and referring to FCD for disposition, the following must be included in the event report:

1. At the beginning of the narrative, write the statement: "This event is closed exceptionally and referred to FCD for disposition."
2. Detailed suspect information to include DOB.
3. Detailed summary of probable cause.
4. Parent/guardian information to include first and last name(s), address, zip code, and home and work telephone numbers. FCD and DJS will not accept reports without this information.
5. Statement that the parent/guardian was notified of what charge(s) was being placed against the juvenile and the date and time the notification was made.

6. Name of the officer making notification.

**E. Required Documentation**

Forward copies of the following documents to FCD within 24 hours. Officers may fax these documents to (240) 773-5405.

1. Event report
2. MCP 107
3. MCP 107A, if applicable
4. Copies of all MCP 50s/written statements (suspect and witness) relating to the case.

**F. Multiple Suspects**

If a case has multiple suspects but only one has been identified, the case cannot be "closed exceptionally." Officers should place the following statement at the beginning of the narrative: "This event remains open, however it is referred to FCD for disposition on (state the known juvenile offender's name)." This will enable FCD to begin the screening process for the known juvenile.

- G. Officers will not fill out an arrest report when closing a case by exception and referring it to FCD for disposition.

**VI. Warrantless Arrest on Accusation/Citizen Arrest**

**A. Legal Authority**

1. Felony - In Maryland, a private citizen has authority to arrest without a warrant when a felony is being committed in the citizen's presence or when a felony has in fact been committed, whether or not in the citizen's presence, and the citizen has probable cause to believe that the person arrested has committed it.
2. Misdemeanor - In Maryland, a private citizen has authority to arrest without a warrant when a misdemeanor that amounts to a breach of the peace is being committed in the presence or view of the citizen. There is a narrow exception to this in the common law. A citizen has the right to detain a person believed to have taken the citizen's property. This must be done to prevent theft or recapture property and not as a punishment. It is false imprisonment if the person does not have the property.

**B. Warrantless Citizens' (Non-Police) Felony Arrests**

Responding officers will interview the complainant and determine if there is probable cause to believe a felony was committed and the juvenile committed it.

1. If probable cause to arrest the juvenile does NOT exist, officers will:
  - a. NOT ARREST THE JUVENILE.
  - b. Inform the complainant that the arrest does not meet legal requirements.
  - c. Complete the appropriate police report.



2. If probable cause to arrest the juvenile DOES exist, officers will:
  - a. Obtain a written, signed statement from the complainant.
  - b. Arrest, transport, and process the juvenile according to FC 513, "Processing Arrested Persons."
  - c. Forward copies of the event report, arrest report, MCP 50, MCP 107, and 107A and any written defendant/witness statements to **FCD** within 24 hours.

C. Warrantless Citizens' (Non-Police) Misdemeanor Arrests

1. Responding officers will interview the complainant and determine if there is probable cause to believe a misdemeanor was committed and the juvenile committed it.
2. If there is probable cause to believe that the juvenile committed a misdemeanor and all of the guidelines of **Criminal Procedure Articles 2-202 and 2-203**, have been met, officers will arrest the juvenile and:
  - a. Obtain a written, signed statement from the complainant.
  - b. Transport and process the juvenile according to FC 513.
3. If there is probable cause to believe that the juvenile committed a misdemeanor but all of the guidelines of **Criminal Procedure Articles 2-202 and 2-203**, have NOT been met:
  - a. DO NOT ARREST THE SUSPECT.
  - b. Explain to the complainant that officers may not arrest the juvenile in this situation.
  - c. Close the case by exception and refer it to **FCD** for disposition.
  - d. Complete the necessary reports, including all of the necessary information (refer to section V.D), and fax or forward all reports to **FCD** within 24 hours.
4. It is important to note that for shoplifting, a physical arrest will be made on all felonies and on misdemeanors that meet the guidelines of **Criminal Procedure Articles 2-202 and 2-203**. This would include a juvenile who resides outside of Maryland, whose identity is in question, or who is wanted.

VII. **Warrantless Arrest by Police Officers or Commissioned Special Police Officers**

- A. The legislatures and courts have historically maintained a delicate balance between the interest of the community in protecting itself and the right of the citizen to be free from unjustified arrest. In doing so, the legislatures have strictly limited the authority to arrest without a warrant. The term "arrest" in this

order, when used with regard to juveniles, means "taking into custody." (CALEA 44.2.2.c)

- B. Juveniles may be taken into custody under the authority set forth in the Courts and Judicial Proceedings Article, Section 3-814, "Taking a Child into Custody." These guidelines state that an officer or commissioned special police officer (SPO) may take a juvenile into custody: (CALEA 1.2.1)
  1. Pursuant to an order of the court (juvenile warrant).
  2. Pursuant to the laws of arrest (**Criminal Procedure Articles 2-202 or 2-203**).
  3. By a law enforcement officer or other person authorized by the court if that person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection. (CALEA 44.2.2.b)
  4. By a law enforcement officer or other person authorized by the court if that person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian.
- C. In accordance with Maryland case law, an officer or SPO may arrest a juvenile without a warrant under the authority of the Maryland Police Team Rule (when an officer is advised via official police communications that there is lawful authority to make an arrest). (CALEA 1.2.1)
- D. Officers must follow the procedures listed below when responding to warrantless arrests for felonies or misdemeanors made by an SPO.
  1. Verify that the complainant is a commissioned SPO.
  2. Obtain a signed statement of probable cause for the arrest prepared by the SPO.
  3. Transport and process the juvenile, and complete the necessary reports according to FC 513.

VIII. **Affirmation Form**

When an officer makes an arrest of a juvenile and the juvenile is detained overnight, a signed copy of affirmation (see Appendix A) will be included with the MCP 187, "Juvenile Detention Form," and processed according to FC 513.

IX. **Proponent Unit: Family Crimes Division**

FC No.: 509

Date: 05-21-04

**X. Cancellation**

*This directive cancels Function Code 509, effective date 09-05-00.*

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J. Thomas Manger  
Chief of Police



## Juvenile Arrests & Citations Checklist

### Arrests or Referrals to FCD for Disposition

Within 24 hours of an arrest or the referral of a case to FCD for disposition, officers must fax, **and** send via interoffice mail, COPIES of the following documents to FCD, attention **Case Screening Unit**.

- Event Report
- Supplements
- MCP 107
- MCP 107A
- Arrest Report
- Statements (victims, witnesses, defendants, co-defendants)
- MCP 50
- MPC 187, "Juvenile Detention Notice" (if juvenile is detained overnight)
- Affidavit (FC 509 - Appendix) (if juvenile is to be detained overnight via **DJS**)
- Officer's Notes
- (Do not send photos – they are to be kept in the officer's case file)

**FCD FAX: 240-773-5405**

### Juvenile Detained by **DJS**

When a juvenile is detained by **DJS**, in addition to sending the above items to FCD, the officer must provide COPIES of the following documents to the **DJS** worker handling the case. If it is after business hours, the officer will fax COPIES of the following documents to **DJS** before the end of the tour of duty. (Note: The **DJS** drop box on the wall of 27 Courthouse Square is no longer in use.)

- Event Report
- Arrest Report
- MCP 187, "Juvenile Detention Notice"
- Affidavit (FC 509 - Appendix)

**DJS FAX: 301-279-1193**

### Citations

Citations may be issued to juveniles only for civil violations of the alcohol and tobacco laws. Within 24 hours of the issuance of a citation, the officer will send the following documents via interoffice mail to the FCD, attention **Case Screening Unit**.

- Citation - white and green copies
- Event Report - (if required) (photocopy)
- MCP 107 - Investigative and District copies



# ARREST, QUESTIONING, AND SEARCH OF STUDENTS ON SCHOOL PREMISES

FC No.: 512

Date: 03-03-04

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Policy
- II. Arrests on School Premises
- III. Questioning on School Premises
- IV. Searches on School Premises
- V. Enforcement Action on School Premises
- VI. Reporting Procedures
- VII. Release of Information
- VIII. Proponent Unit
- IX. Cancellation

### I. Policy

It is the policy of this department to set forth specific guidelines whenever students are alleged to have violated the law on school premises and to parallel those guidelines with the policies of the Montgomery County School Board.

### II. Arrests on School Premises

- A. School Board policy places certain restrictions on school officials during arrest situations. The arresting officer will cooperate with school officials in any way possible in order that they can comply with their policy.
- B. Nothing that a school official is required to do, such as notification of parents, will relieve the police of their responsibilities for complying with Department of Police policy.  
(CALEA 44.2.2.e)
- C. When possible and appropriate, arrests should be made during non-school hours and away from the school premises. (CALEA 74.3.1)
- D. Arrests on school premises during school hours shall be done in such a manner as to avoid both embarrassment to the pupil being arrested and jeopardizing the safety and welfare of other pupils.  
(CALEA 74.3.1)

- E. When an officer charges a juvenile student with a crime, whether by arrest or by exception, the officer must notify the juvenile's parent/ guardian of the charges. The officer making the notification, the individual notified, and the date and time of the notification must be recorded in the event report.  
(CALEA 44.2.2.e, 74.3.1)

### III. Questioning on School Premises (CALEA 1.2.3)

- A. The questioning of a pupil under arrest is not permitted on school premises unless a failure to question the pupil would jeopardize the safety of other students or staff.
- B. A school official should be present when a pupil is questioned by the police in connection with a crime committed on the school premises. A school official should also be present in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives of the pupils or other persons.
- C. In those cases where investigative questioning by police is conducted on school premises, appropriate facilities should be provided by the principal or the principal's authorized representative. Under no circumstances is questioning to be continued if the pupil declines to answer questions, requests a lawyer, requests that the pupil's parents be contacted, or otherwise indicates to the principal or the principal's authorized representative that the pupil does not wish to be questioned by the investigating officer.
- D. In the absence of an arrest, the removal of a pupil from school for the purpose of investigative questioning without the consent of the parent or guardian is not permitted.
- E. The arresting officer should remove the pupil from the premises as soon as practical after an arrest is made and transport the pupil to a police facility.

### IV. Searches on School Premises

- A. Searches on school premises shall only be permitted:

1. Upon the authority of a search warrant. (CALEA 74.3.1)
  2. In any case where the search is essential to prevent imminent danger to the safety or welfare of the pupil, officer, other persons, or school property. (CALEA 1.2.4.e)
  3. Incidental to an arrest. (CALEA 1.2.4.d)
- B. Police officers have the authority to conduct a stop-and-frisk for weapons as long as:  
(CALEA 1.2.4.b)
1. The officer has reasonable suspicion that the suspect is committing, has committed, or is about to commit a crime; and
  2. The officer has reason to believe that the suspect is armed and is a threat to the safety of the officer or another person.
- C. Every effort will be made to conduct searches in a manner that will minimize disruption of the normal school routine and minimize embarrassment to pupils affected.
- V. **Enforcement Action on School Premises**
- A. CDS Possession
1. Under **CR 5-901**, all CDS arrests are considered to be felonies for the purpose of arrest or search and seizure. This provides officers with the authority to make warrantless arrests regardless of the amount of CDS involved. (All CDS crimes are **Criminal Procedure Article 2-203** exceptions.)
  2. It is the policy of the department to make mandatory physical arrests for CDS violations on school property.
- B. Weapons Violations
1. Any person unlawfully in possession of any handgun on school property in violation of **CR 4-203** will be arrested and removed from school property by the investigating officer. This includes situations where a school administrator has removed the handgun from a student or student's locker prior to the officer's arrival. (The State's Attorney's opinion is that this complies with **Criminal Procedure Article 2-203** because if not arrested, the student could conceivably retrieve another firearm, return to the school, and cause injury to another person.)
  2. Officers will investigate the origins of any firearm possessed by a juvenile by using an ATF search. The original officer will provide the information from the search to the ISB Criminal Investigations Division, which will be responsible to then track the weapon and determine where the student came into possession of it and consider charges under **CR 4-104**, if appropriate.

3. Any person unlawfully in possession of any dangerous or deadly weapon, as defined in **CR 4-101**, on school property will be arrested and removed from school property by the investigating officer if the investigating officer has probable cause to believe that if not arrested the person could conceivably retrieve another weapon, return to the school, and cause injury to another person. This includes situations where a school administrator has removed the weapon from a student or student's locker prior to the officer's arrival. (The State's Attorney's opinion is that this complies with **Criminal Procedure Article 2-203**.)
4. Any person unlawfully in possession of any dangerous or deadly weapon, as defined in **CR 4-102**, on school property will be investigated for possible charges or for referral to the **Family Crimes Division (FCD)** for disposition.
5. *Officers will consult with a shift supervisor prior to making a physical arrest of a student seven years of age or younger for those crimes listed in this section. The officer and supervisor will consider the safety of the students and faculty. If it is determined an arrest should not be made, the investigation will be closed by exception and referred to FCD for disposition.*

C. Second Degree Assaults

1. **Criminal Procedure Article 2-202** is the principal guideline in determining whether or not to make an on-scene warrantless arrest. The requirements for an on-scene warrantless arrest must include the intent to do great bodily harm.
2. If there is probable cause that the intent is to do great bodily harm, then an on scene physical arrest will be made.
3. If intent does not exist, then the case should be closed by exception and referred to the **FCD** for disposition.

D. Pagers On School Property

**Education Article 26-104 no longer applies in Montgomery County. There are no State restrictions on carrying pagers on school property.**

E. Threatening School Personnel

1. Education Article 26-101 states that a person may not molest or threaten with bodily harm any student, employee, administrator, or any other individual lawfully on or in the immediate vicinity of any institution of elementary, secondary, or higher education.
2. When probable cause exists that a juvenile has violated this article, the case may be closed by exception and referred to **FCD** for disposition.

**VI. Reporting Procedures**

Any incident occurring on school property requiring a police report will be documented fully whether or not an arrest is made. Any contraband, CDS, etc., will be seized and handled in accordance with established procedures.

**VII. Release of Information**

Information such as requests for attendance information, date of birth, address, telephone number, etc., may be released to the officer *provided the principal ensures it meets the guidelines outlined in FERPA* and decides on the propriety of the request. This information may also be released to the officer over the telephone after proper identification is made.

**VIII. Proponent Unit: FSB and ISB Administrations**

**IX. Cancellation**

*This directive cancels Function Code 512, effective date 02-9-99.*

J. Thomas Manger  
Chief of Police

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# PROCESSING ARRESTED PERSONS

FC No.: 513

Date: 01-29-04

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Miranda Rights
- II. Precautionary Measures
- III. Processing Arrested Adults
- IV. Arrest/Detention Without Charging
- V. Processing Arrested Juveniles
- VI. Disposition of Arrested Juveniles
- VII. Proponent Unit
- VIII. Cancellation

Appendix A: Adult Arrest Processing Chart

Appendix B: Juvenile Arrests and Citations Checklist

Appendix C: MCP 50, "Advice of Rights Form"

## I. Miranda Rights (CALEA 1.2.3.a, b)

### A. Advice of Miranda Rights

1. *The Maryland Court of Appeals has ruled that any person under arrest who will be charged as an adult must be presented to a court commissioner without delay. There are few exceptions to this ruling. The appearance may be delayed to conduct administrative functions such as recording, fingerprinting, and photographing. However, a defendant must waive the right to an immediate appearance before the commissioner prior to the officer asking questions. The revised MCP 50, "Advice of Rights Form," (dated 08/03) contains a waiver of presentment and has been approved by the State's Attorney's Office. Failure to use the revised MCP 50 may result in any statements obtained from a defendant being suppressed.*
2. Advise individuals of their Miranda rights only when they are in custody (under arrest) and subject to interrogation. Give Miranda rights prior to questioning to ensure the statement's admissibility.
3. Confer with the investigator prior to any questioning or advising Miranda rights when a person is taken into custody for a crime that requires the immediate notification/response of an investigative unit (refer to FC 611, "Follow-up Investigation Responsibility").
4. Carefully document unsolicited comments/statements made by a person under arrest who has

not been advised of Miranda rights. Note the location/date/time of any such statement, sign the document, and include in the case file.

5. Non-custodial *interviews* (questioning of suspects not under arrest; questioning during a traffic stop or Terry stop; questioning of witnesses; etc.) do NOT require advising of Miranda rights.
6. Do not advise an arrested person of their Miranda rights if there is no intention to question the person.
7. Whenever possible, use the MCP 50, "Advice of Rights Form," when Miranda rights are advised.
8. The court may be called upon to determine when custody began and whether an officer's words or conduct constituted interrogation in a given criminal case. Suggested guidelines for a non-custodial interrogation are:
  - a. Attempt to interview persons at their homes or away from the police facility.
  - b. If a person must be interviewed at the police facility, have the person drive to the facility.
  - c. When interviewed at the police facility, note that the person was informed that the person was free to leave.
  - d. Always document the circumstances of the interrogation.
9. If an officer is uncertain how the court will view the incident (custodial or non-custodial, interrogation, or initiated by the defendant), it is recommended that the officer advise the person of the person's Miranda rights to ensure the statement's admissibility.

### B. Advice of Rights Form (MCP 50)

1. *Officers must use an MCP 50 with a revised date of 08/03 or later. (Appendix C)*
2. Complete the MCP 50 in triplicate:
  - a. Retain the original.
  - b. Attach copy #2 (yellow) to the arrest report. The Report Review Unit will forward copy #2 to the State's Attorney's Office.
  - c. Give copy #3 (pink) to the defendant.
3. Read the MCP 50 verbatim. Note all remarks/tacit responses to the questioning alongside the corresponding question. Use plain paper for additional comments with corresponding numbers for each item.
4. Record the defendant's physical condition (any alcohol/drug *use* and time last used), educational level, date/time of arrest, and date/time the MCP 50 was completed.



5. The officer will sign the MCP 50 and request the defendant to sign; however, the defendant's signature is not necessary.

#### **Precautionary Measures**

- A. Officers will secure *all firearms and knives* in the designated gundrop prior to processing or interrogation.
- B. Immediately upon arrival at the processing facility and prior to any processing or interrogation, conduct a thorough search of the arrested person to ensure officer and prisoner safety. This is in addition to the normal search incident to arrest.
- C. Prisoners will not be left unattended at any time, except when placed in a holding facility cell in accordance with FC 810, "Department Holding Facilities." Prisoners will remain handcuffed in processing areas.

#### **III. Processing Arrested Adults (CALEA 1.2.5)**

- A. Prisoners will be searched and transported to the Central Processing Unit (CPU) in accordance with FC 811, "Handling, Searching, and Transporting of Prisoners."

*NOTE: Prisoners may be transported to a district station/investigative section if it is deemed necessary to further an investigation.*

#### **B. Arrests Based on Warrants**

After an arrest based on a confirmed active criminal arrest warrant, complete a CPU 513B (grey envelope) in its entirety, front and back. After a traffic warrant arrest, complete a CPU 513A (brown envelope) in its entirety. Turn completed envelopes over to the correctional officer at the booking desk.

1. If the charge is an outstanding traffic warrant or an out of county criminal warrant, immediately return to duty. No event/supplement report is required.
2. If the charge is an outstanding Montgomery County criminal arrest warrant and related to a previously reported event, complete the appropriate supplemental report and return to duty.
3. If the charge is an outstanding criminal arrest warrant from another state (Fugitive from Justice - 2752), obtain a CR# and complete an event report.

#### **C. On-View Criminal Arrests**

After making an on-view adult criminal arrest:

1. Complete a CPU 513 (yellow envelope) in its entirety, front and back. The name of the officer completing the DC/CD4, "Statement of Charges (SOC)/Statement of Probable Cause (SPC)," must

be listed on the booking envelope as the arresting officer. The front of the form bearing the bar code will be photocopied and retained by the arresting officer. Turn the CPU 513 over to the correctional officer at the booking desk.

2. Proceed to a second floor ABS computer station and complete the SOC/SPC. Instructions on how to use the ABS are posted at each workstation. If assistance is needed, contact a correctional officer.
3. After locking the charging documents, the ABS will print five copies of the SOC/SPC, two witness summons forms, and two advice of rights forms.
  - a. Sign the court, state's attorney, and defendant copies of the documents and cepi the two witness summons forms. Give these documents, as well as the unsigned applicant copy of the SOC/SPC to a correctional officer.
  - b. Due to limited space, event/supplement report writing will not be done at CPU.
  - c. The ABS witness summons forms do not provide adequate information. Therefore, the MCP 107, "State's Attorney's Witness Information," and the MCP 107A, "State's Attorney's Evidence Information," are still required. The MCP 107 must be completed for both District and Circuit Court cases. In the space provided for the tracking number, use the ABS-generated tracking number.

#### **D. Bond Alert Form (MCP 108)**

1. The MCP 108 may be used to recommend that a defendant being held pending bond review not be released.
2. The MCP 108 will be used in all cases where the use of a firearm was involved in the commission of a crime.
3. The MCP 108 can be used at the officer's discretion for any other offense and will be screened for appropriateness and signed by the officer's supervisor prior to transmission.
4. Fax the form to the State's Attorney's Office (SAO) at (240) 777-7413 as soon as possible after arrest. The MCP 108 and the fax receipt will be kept on file with the station copy of the report. The report will reflect that the MCP 108 was sent to the SAO.
5. A copy of the MCP 108 will be placed in the MCP 513 envelope. When the defendant appears before the commissioner, the SPC/SOC documents as well as the MCP 108 will be presented to the commissioner.

#### **E. Defendants Charged with Companion Criminal and Traffic Charges Arising from the Same Event**

1. Follow processing procedures in sections III.A, B, and C.



2. Prepare citations for the companion traffic charges. The defendant will not sign the citations.
3. Attach the citations marked "Court Copy" and "Court/Defendant's Copy" to the criminal charging document and place into the booking envelope.
4. Prepare one SPC including probable cause for both the criminal and traffic charge(s).
5. If this is not possible at the initial contact with the suspect/defendant, contact the SAO to consolidate initial charges with those developed later.

F. Traffic Arrests made Pursuant to State Law (CALEA 1.2.5)

1. The ABS is currently designed only for criminal charges. Therefore, officers are required to complete a handwritten SPC and Continuation, DC/CR4A, if necessary, and prepare the appropriate traffic citation(s). Do not have the arrestee sign the citation(s). Attach the "Court Copy" and "Court/Defendant's Copy" of the citation(s) to the SPC and give to a correctional officer.
2. Officers are urged to take a defendant before a commissioner when a defendant does not furnish satisfactory evidence of identity and the officer has reasonable grounds to believe that the defendant may not be the person the defendant claims to be. In addition to the facts supporting the charge, the SPC form must contain all known facts concerning the defendant's identity, as well as the grounds underlying the officer's doubts or misgivings about the accuracy of the identification presented by the defendant.

IV. **Arrest/Detention Without Charging**

A. Criminal Arrests, Without Processing or Charging (CALEA 1.2.5)

On occasion, an officer may have probable cause to arrest a suspect but subsequently releases the person without placing charges.

1. If a prior report is on file, write a supplement report detailing the arrest and release in the narrative.
2. If no report is on file, obtain a CR number, and complete a 2938 event report detailing the arrest and release in the narrative. No arrest report or criminal ID will be obtained.

B. High Risk Stops that do NOT End in Arrest  
*When officers conduct a high risk stop that does not end in an arrest, the officers will:*

1. *Identify themselves by name and give their business cards to the individual stopped.*

2. *Provide a full explanation about the reason for the stop to the person stopped and remain with that person until all relevant questions are answered.*
3. *If requested, give the supervisor's name to the person making the request.*
4. *Complete a 2938 report.*

*High risk stops include, but are not limited to, vehicle box-ins, any stop made at gunpoint, prying out a subject, or handcuffing for prolonged periods of time.*

V. **Processing Arrested Juveniles**  
(CALEA 1.2.5)

A. Miranda Rights (CALEA 1.2.3.a, b; 44.2.2.c)

1. There is no absolute legal requirement that a parent or guardian be present when officers question a juvenile. However, it is a good practice to attempt to have a parent present so that the parent can offer their child guidance during the interview process. (CALEA 44.2.3.a)
2. The length and conditions of interrogations will be in accordance with current case law. Juvenile interrogations will be reasonable in length. During lengthy interrogations, provide for rest periods, bathroom breaks, and food and drink, if appropriate. Generally, no more than two officers will interrogate a juvenile. (CALEA 44.2.3.b)
3. The law is clear. There are factors that must be considered in determining whether juveniles understood their rights well enough to intelligently waive them. The effectiveness of the waiver is determined only by examining the "totality of the circumstances" surrounding the giving of the statement.
4. The following circumstances should be considered in weighing whether a waiver is valid:
  - a. Age of the accused
  - b. Education
  - c. Knowledge as to the substance of the charge (if any) and the nature of their rights to consult with an attorney and remain silent (CALEA 44.2.3.c)
  - d. Whether the juvenile is permitted to consult with friends, relatives, attorney, etc.
  - e. If charges are filed, whether the juvenile is to be interrogated before or after formal charges have been filed (in those cases where the juvenile is charged as an adult)
  - f. Methods of interrogation used
  - g. Length of interrogation
  - h. Whether the accused refused to voluntarily give statements on prior occasions
  - i. Whether the juvenile had ever disavowed an out-of-court statement at a later date
  - j. Mental impairment, drug or alcohol use
5. Regardless of the circumstances, interrogations may be conducted without the parent if the parent

refuses to be present, is disruptive, or is not available within a reasonable period of time and interrogation cannot be delayed. In these cases, if the juvenile does not seem to understand the juvenile's rights, advise the rights in the presence of a court commissioner and record that fact on an MCP 50 and the event report.

B. Arrest, Processing, and Charging

1. *For information on reports, refer to Appendix A, "Juvenile Arrests and Citations Checklist."*
2. Promptly transport arrested juveniles to the district station for processing. As soon as practicable, notify the parents/guardians of the arrest and charge(s). Record the date/time of the notification and name of the person notified in the event report as well as the date/time of release and name of the person released to. When parents/guardians refuse to accept custody of the juvenile, note it in the event report. (CALEA 44.2.2.d, e)
3. Check wanted status via the station terminal.
4. Process all juveniles physically arrested for any criminal offense as follows: (CALEA 44.2.2.d, e)
  - a. Arrest report
  - b. MCP juvenile ID number and identiscope photo
  - c. MSP/MCP fingerprint cards. On the MSP card check the "Juvenile" block and leave the "Charge" block blank.
  - d. Tip and palm prints must be taken for Part I offenses, felony sexual assaults, arson, and felony CDS violations. Place them on the county fingerprint card.
  - e. Required event reports
  - f. MCP 107 and 107A form(s)
  - g. Juvenile Release Form
5. When charging a juvenile on a civil citation (alcohol and tobacco violations only), refer to the MCP Citation Manual to determine eligibility and processing procedures. Forward the original citation to the Family Crimes Division (FCD). (CALEA 44.2.1.b)
6. Whenever a juvenile is charged with a *delinquent* offense, photocopy any citation, arrest, event, or supplement report, *statements*, and *MCP 107 and 107A* prepared in connection with the offense and forward them directly to the FCD, Case Screening Unit, via inter-departmental mail. This will be accomplished within 24 hours from the time the juvenile is arrested, issued a citation, or charged administratively through an exceptional closure and documented in the event report.
7. *Per the States Attorney's Office, if a juvenile is arrested for a violation of the criminal law and is also charged with possession of alcohol/tobacco, a citation must be issued for the alcohol/tobacco violation since it is a civil violation. The original copy of the citation must be forwarded to FCD.*

C. Crimes for which Juvenile Court has no Jurisdiction (CALEA 44.2.1.c)

1. Juvenile court has no jurisdiction in the following circumstances:
  - a. A juvenile 14 years or older who commits a crime which, if committed by an adult, would be punishable by death or life imprisonment:
    - i. First degree murder
    - ii. First degree rape
    - iii. First degree sexual offense
    - iv. Attempt/conspiracy to commit the above
  - b. A juvenile 16 years or older who commits a *crime listed above* or any of the following crimes:
    - i. Abduction
    - ii. Kidnapping
    - iii. Second degree murder (*Criminal Law 2-204*)
    - iv. Manslaughter, except involuntary manslaughter
    - v. *Second degree rape (Criminal Law 3-304)*
    - vi. Robbery with a dangerous or deadly weapon (*Criminal Law 3-304*)
    - vii. Second degree sexual offense (*Criminal Law 3-306*)
    - viii. Third degree sexual offense (*Criminal Law 3-307*)
    - ix. Wearing, carrying, or transporting a handgun under prescribed circumstances (*Criminal Law 4-203*)
    - x. Unlawful use of a *firearm (Criminal Law 5-622)*
    - xi. Possession use of machine gun in commission of crime (*Criminal Law 4-404*)
    - xii. Use of machine gun for aggressive purposes (*Criminal Law 4-405*)
    - xiii. Sale/transfer of pistol or revolver under prescribed circumstances (Article 27, §445)
    - xiv. Sale/transfer of stolen pistol (Article 27, §446)
    - xv. Possession of short-barreled rifles and short-barreled shotguns (Article 27, §481C)
    - xvi. Wearing, carrying, transporting, or using a firearm during and in relation to a drug trafficking crime (*Criminal Law 5-621*)
    - xvii. *Use of a handgun or antique firearm in the commission of a crime (Criminal Law 4-204)*
    - xviii. Carjacking or armed carjacking (*Criminal Law 3-405*)
    - xix. Assault in the first degree (*Criminal Law 3-202*)

- xx. Attempted murder in the second degree (*Criminal Law 2-206*)
- xxi. Attempted rape (*Criminal Law 3-310*) or attempted sexual offense in the second degree (*Criminal Law 3-312*)
- xxii. Attempted robbery with a dangerous or deadly weapon (*Criminal Law 3-404*)

- 3. Charge the juvenile as an adult for all additional charges resulting from an incident listed above.
- 4. Transport the juvenile charged with one of the above offenses to the CPU and process according to sections III.A, B, and C. Write the following statement in the miscellaneous block of the MCP 513: "No Juvenile Jurisdiction--Treat as Adult."
- 5. If the criminal case against the juvenile is subsequently remanded to the Department of Juvenile Services (*DJS*), it is the responsibility of the SAO to notify the Records Division of the change.

D. Waiver by Juvenile Court

For certain crimes committed by juveniles, the SAO may petition to waive Juvenile Court jurisdiction and charge the juvenile as an adult. The Juvenile Court will review the request and set a hearing. The arresting officer will receive notice of the hearing and will attend. If a waiver is obtained, officers will:

- 1. Obtain the original waiver documents from the court.
- 2. Take custody of the juvenile and transport to the CPU. Inform the CPU correctional officer that the defendant is a juvenile charged as an adult.
- 3. Prepare a SOC and SPC using the ABS. Indicate in the narrative of the SPC that Juvenile Court has waived jurisdiction.
- 4. Follow the initial processing procedures outlined in sections III.A, B, and C.
- 5. Write the following statement in the miscellaneous block of the MCP 513: "Juvenile Jurisdiction Waived--Treat as Adult."
- 6. Attach the original waiver documents to the SOC.

E. Arrest/Processing Without Charging  
(CALEA 1.2.5)

- 1. Fingerprinting and photographing as an investigative aid does not constitute an arrest record for the juvenile. When this occurs, explain to the juvenile's parents that the fingerprints and photographs will be strictly confidential, kept segregated from those of adults, and destroyed upon completion of the investigation. Supervisors will ensure that these files are purged once the investigation is completed.
- 2. *The investigator should* retain investigative photographs and fingerprints in the case file; do not send to Records Division. Furthermore, *inform* the parents that if the juvenile is arrested as a result of these fingerprints and photographs,

they will be *retained* in file until the juvenile reaches the age of 21.

- 3. When a juvenile is detained but released without being charged, notify the parents. If requested, meet and discuss the matter with the parents. If no report is on file, initiate a 2938 event report detailing the arrest and release in the narrative.

VI. Disposition of Arrested Juveniles

A. Release to Parents (CALEA 44.2.2.d)

- 1. Juveniles will not be released on their own recognizance. Release juveniles to their parents/guardians on a timely basis. If the juvenile's parent/guardian cannot be located, contact *DJS* for disposition authorization (follow procedures in section VI.B). If the juvenile has committed any of the offenses listed in section VI.B.1, seek to detain the juvenile and coordinate the detention through *DJS*. *DJS* personnel and Juvenile Court judges are the only persons empowered to authorize the placement of a juvenile in a detention or shelter facility.
- 2. *If DJS authorizes the release to someone other than the parent/ guardian, list the name of the DJS worker authorizing the release in the report. The full names of the parent/ guardian and the person the juvenile is released to are required in the report.*
- 3. Request verification of identity prior to releasing juveniles into the custody of parents/guardians/relatives. Absent sufficient identification, the release will be coordinated via *DJS*.
- 4. Complete a juvenile release form in duplicate and obtain the signature of the parent/guardian to whom the juvenile is released. A copy of the release form will be given to the parent/guardian; the original will be attached to the report. Explain to the parent/guardian and the juvenile involved the circumstances of the offense *for* which the juvenile is being charged. Additionally, briefly explain the juvenile justice process. (CALEA 44.2.3.c)

B. Detention of Juveniles (CALEA 44.2.2)

- 1. Initiate detention proceedings when juveniles cannot be released to their parents or they are arrested for any of the below listed offenses. The only exception to this detention procedure would be when the juvenile is charged as an adult.
  - a. Abduction [*Criminal Law 3-503(a)*]
  - b. Arson in the first degree [*Criminal Law 6-102 (a, b, c)*]
  - c. Assault in the first degree (*Criminal Law 3-202*)
  - d. Bomb threat (*Criminal Law 6-107*)

- e. Burglary in the first, second, or third degree (*Criminal Law 6-202, 203, 204*)
  - f. Carjacking or armed carjacking (*Criminal Law 3-405*)
  - g. Escape (*Criminal Law 406, 407*)
  - h. Kidnapping [*Criminal Law 3-502, 3-503 (a, b, c)*]
  - i. Manslaughter (voluntary, common law)
  - j. Murder in the first or second degree [*Criminal Law 2-201(a)*]
  - k. Possession of explosives/destructive device (*Criminal Law 4-503*)
  - l. Rape in the first or second degree (*Criminal Law 3-303, 3-304*)
  - m. Robbery (common law)
  - n. Robbery with a dangerous or deadly weapon (*Criminal Law 3-404*)
  - o. Sexual offense in the first, second, or third degree (*Criminal Law 3-305, 3-306, 3-307*)
  - p. Sodomy (common law)
  - q. Attempts to commit any of the above crimes.
  - r. Any offense which, in the officer's opinion, is serious in nature.
2. Between 0800 and 1700 hours:
- a. Contact an on-duty *DJS* intake worker at the *Juvenile Assessment Center (JAC), 7300 Calhoun Place, Suite 500, Rockville, (301) 279-1580*.
  - b. *If the arrest was not based on a warrant and detention is authorized, the officer must bring the juvenile to the JAC to be seen by an intake worker. The intake worker will give the officer written authorization to take the juvenile to Noyes.*
  - c. *If the juvenile is being held on a warrant the officer will take the juvenile directly to Noyes.*
  - d. The arresting officer will provide *DJS* with an MCP 187, "Juvenile Detention Notice," a *Circuit Court Affirmation Form* (see FC 509, "Juvenile Criminal Arrest Procedure"), and a copy of the arrest and event reports.
3. Between 1700 and 0800 hours:
- a. Contact the ECC supervisor and request the on-call *DJS* intake worker call the officer. The officer will provide all pertinent information regarding the case including any injuries to the juvenile and any drug/alcohol use.
  - b. If detention is authorized, the *DJS* worker will come to the district station to interview the juvenile and give the officer written authorization to transport the juvenile to Noyes.
  - c. Complete an MCP 187, a *Circuit Court Affirmation Form*, an arrest report, and an event report. Indicate on the event report if additional charges are anticipated.

- d. Fax a copy of the above documents to *DJS* at (301) 279-1193 prior to 0800 hours. Do NOT place a copy in the box to the rear of 27 Courthouse Square.
  - e. Transport the juvenile, without unreasonable delay, to Noyes.
4. If the *DJS* intake worker decides not to place a juvenile in detention/shelter, the parents must accept custody of the child. The parents have no statutory or legal right to refuse custody. If the parents refuse to take custody, the officer should contact *Child Protective Services*. Inform the parents that their refusal to take custody may result in a formal investigation being initiated by *Child Protective Services*. Include in the event report the name of the *DJS* intake worker who decided not to place the juvenile.
5. Alleged out-of-control or runaway juveniles who are in the home shall not be removed at the request of the parents. *If the juvenile has not been charged with a violation of the law, DJS cannot detain for out-of-control or runaway. Being out-of-control is not a chargeable offense, however other options include:*
- a. Open Door provides overnight shelter to runaways. Call (301) 770-0193 or 1-800-486-6736 to establish shelter availability. Juveniles under the influence of drugs or alcohol will not be taken.
  - b. Operation Runaway, Potomac Ridge, 14901 Broschart Road, provides free mental health assessments 24 hours a day, 7 days a week, for runaway and out-of-control juveniles. Both the juvenile and the parent(s) must be present at the facility for the assessment. The staff will counsel juveniles who are under the influence of drugs or alcohol. Violent or incoherent individuals will not be seen. Juveniles may be transported to the facility by the referring officer or by the juvenile's parent(s). In either case, contact the facility at (301) 251-4545 to advise of the juvenile's pending arrival.

## VII. Proponent Unit: Policy Development Section

## VIII. Cancellation

*This directive cancels Function Code 513, effective date 09-22-99, and Headquarters Memorandums 02-10 and 03-07.*

William C. O'Toole

Acting Chief of Police



## Adult Arrest Processing Chart

|  |   |   |
|--|---|---|
| <b>Step 1.</b>   | Officer makes adult on-view criminal arrest, traffic warrant arrest, or criminal warrant arrest.  |   |
| <b>Step 2.</b>   | Officer conducts a search incidental to the arrest.   |   |
| <b>Step 3.</b>   | <b>If Interrogation or Companion DWI Charge:</b><br><br>Officer transports arrestee to District Station/Unit and completes the following: <ul style="list-style-type: none"><li>• Search of Arrestee</li><li>• Collection/Inventory of arrestee's property</li><li>• DWI Processing</li><li>• Evidence storage</li><li>• Interview/Interrogation</li></ul>              | <b>No Interrogation</b><br><br><b>No Companion DWI Charges</b><br><br>(Go to Step #4) |
| <b>Step 4.</b>   | Officer transports arrestee to the CPU.   |   |
| <b>Procedures at the CPU</b>   |   |   |
| <b>Step 5.</b>   | Officer has arrestee face away from the cipher lock while entering combination. Once in facility, officer's weapon and any protective instruments will be secured in gun drop box.  |   |
| <b>Step 6.</b>   | Officer and prisoner remain outside hallway gate until directed to enter by correctional officer. Officer witnesses the search of the defendant by correctional officer and seizes any evidence/contraband. Personal property will be inventoried on the booking envelope and heat-sealed in an evidence bag. Personal property is turned over to correctional officer. |   |
| <b>Step 7.</b>   | Officer will complete the appropriate CPU 513 arrest Envelope:<br>CPU 513 (yellow envelope) -for On-View Criminal Arrests<br>CPU 513-A (brown envelope)-for Traffic Arrests<br>CPU 513-B (grey envelope) -for Criminal Warrants   |   |
| If the defendant is charged with an outstanding arrest warrant, the officer will turn over the completed arrest booking envelope to a booking office and immediately return to duty. The officer is responsible for writing a supplement report. |   |   |
| <b>Step 8.</b>   | Officer will photocopy the front of the appropriate CPU 513 and give the envelope to the booking officer. Officer will complete the Statement of Charges using the Arrest Booking System computer.  |   |
| <b>Step 9.</b>   | Completed documents will be collated, signed, and turned over to a correctional officer. Any companion traffic charges will be attached to the documents and placed in the appropriate CPU 513 envelope.  |   |
| <b>Step 10.</b>  | Officer returns to service.   |   |
| Arresting officer will complete the event report, MCP 107, and MCP 107A while in service in their beat, station, or unit of assignment.  |   |   |
| 09-22-99   |   |   |



## Juvenile Arrests & Citations Checklist

### Arrests or Referrals to FCD for Disposition

Within 24 hours of an arrest or the referral of a case to FCD for disposition, officers must fax, **and** send via interoffice mail, COPIES of the following documents to FCD, attention *Case Screening Unit*.

- Event Report
- Supplements
- MCP 107
- MCP 107A
- Arrest Report
- Statements (victims, witnesses, defendants, co-defendants)
- MCP 50
- MPC 187, "Juvenile Detention Notice" (if juvenile is detained overnight)
- Affidavit (FC 509 - Appendix) (if juvenile is to be detained overnight via *DJS*)
- Officer's Notes
- (Do not send photos – they are to be kept in the officer's case file)

FCD FAX: 240-773-5405

### Juvenile Detained by *DJS*

When a juvenile is detained by *DJS*, in addition to sending the above items to FCD, the officer must provide COPIES of the following documents to the *DJS* worker handling the case. If it is after business hours, the officer will fax COPIES of the following documents to *DJS* before the end of the tour of duty. (Note: The *DJS* drop box on the wall of 27 Courthouse Square is no longer in use.)

- Event Report
- Arrest Report
- MCP 187, "Juvenile Detention Notice"
- Affidavit (FC 509 - Appendix)

*DJS* FAX: 301-279-1193

### Citations

Citations may be issued to juveniles only for civil violations of the alcohol and tobacco laws. Within 24 hours of the issuance of a citation, the officer will send the following documents via interoffice mail to the FCD, attention *Case Screening Unit*.

- Citation - white and green copies
- Event Report - (if required) (photocopy)
- MCP 107 - Investigative and District copies



# ARREST PROCEDURES FOR FUGITIVES

FC No.: 521

Date: 05-21-04

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Definitions
- II. Responsibilities
- III. Procedures for Warrant Service for Other Maryland Jurisdictions
- IV. Processing Arrested Fugitives from Justice
- V. Service of Montgomery County Warrants by Other Agencies
- VI. Proponent Unit
- VII. Cancellation

## I. Definitions

- A. Fugitive from Justice (Event Code 2752): Any person wanted by a federal, military, state, or local law enforcement agency outside of Maryland for an extraditable offense.
- B. Wanted/Other Maryland Jurisdiction (Event Code 2751): Any person wanted for a criminal offense (non-traffic) by another jurisdiction in the state of Maryland outside of Montgomery County.
- C. Detainer: Any warrant, teletype/TTY, or "hit" confirmation which would result in the arrest of a person who is wanted by another Maryland jurisdiction or a fugitive from justice if that person is not already under arrest on charges that originated in Montgomery County.

## II. Responsibilities (CALEA 1.2.5)

- A. The Fugitive *Section* will:
  - 1. Serve warrants received from other jurisdictions *that have been entered into MILES or NCIC*.
  - 2. Conduct the follow-up of out-of-state *fugitive* cases through all stages of the extradition process.
  - 3. File detainer(s) with the Montgomery County Detention Center (MCDC).
  - 4. Execute any Interstate Agreements on Detainers.
  - 5. Handle any warrants received by mail, fax, or teletype.
- B. All MCP officers will: (CALEA 1.2.5)

- 1. Apprehend any Fugitive from Justice or person wanted by another Maryland jurisdiction that comes to the officer's attention.
- 2. Assist the Fugitive *Section* as necessary in the apprehension of Fugitives from Justice or persons wanted by another Maryland jurisdiction.
- 3. Notify the Fugitive *Section* as required in this directive concerning information relevant to bond hearings and follow-up of fugitive cases.
- 4. Request an immediate telephone confirmation and a teletype/TTY from the demanding jurisdiction when a subject is taken into custody as a result of a wanted check.
- 5. Process, in compliance with this directive, any subject who is pursued into Montgomery County by officers from another jurisdiction.

- C. Central Processing Unit (CPU) personnel will ensure arrested persons turned over to the CPU are properly processed to include, but not limited to, fingerprints, photographs, and notifying the jurisdiction on whose warrant the defendant was arrested.

## III. Procedures for Warrant Service for Other Maryland Jurisdictions

- A. Other Maryland Jurisdiction Criminal Warrants (2751)  
When an individual is arrested on a criminal warrant from a Maryland jurisdiction other than Montgomery County:
  - 1. The arresting officer will:
    - a. Transport the individual to CPU for processing (refer to FC 811, "Handling, Searching, and Transporting of Prisoners").
    - b. No report is necessary from the arresting officer.
  - 2. CPU will:
    - a. Complete the necessary fingerprint cards and photographs, sufficiently identify the prisoner, and check wanted status.
    - b. Bring the individual before a commissioner for arraignment.
    - c. Ensure notification is made and the necessary forms are faxed to the outside jurisdiction.
- B. Processing Other Maryland Jurisdiction Traffic Warrants  
When an individual is arrested on a traffic warrant from a Maryland jurisdiction other than Montgomery County:
  - 1. The arresting officer will:

- a. Transport the individual to CPU for processing (refer to FC 811).
  - b. No report is necessary from the arresting officer.
2. CPU will:
- a. Sufficiently identify the prisoner and check wanted status.
  - b. Bring the individual before a commissioner for arraignment.
  - c. Ensure notification is made and the necessary forms are faxed to the outside jurisdiction.
  - d. No fingerprints or photographs will be taken (a station Polaroid photo is permissible).

#### IV. Processing Arrested Fugitives from Justice

##### A. Wanted by a State or Local Law Enforcement Agency Outside of Maryland (2752)

When an individual is arrested on a criminal warrant from a state or local law enforcement agency outside of Maryland:

1. The arresting officer will:
  - a. Request a current "hit" confirmation or TTY from the demanding agency be faxed to CPU.
  - b. Transport the individual to CPU for processing (refer to FC 811).
  - c. Copy the front of the CPU 513 (CBF bar code number) for the officer's file and give the envelope to the booking officer.
  - d. Complete a DC/CR 30, "Charge Against Fugitive."
  - e. Complete an event report (classification 2752).
  - f. Fax a copy of the event report to the Fugitive Section by 0700 hours the next day at (240) 773-5325.
2. CPU will:
  - a. Complete the necessary fingerprint cards and photographs, sufficiently identify the prisoner, and check wanted status.
  - b. Bring the individual before a commissioner for arraignment.
  - c. Fax copies of the following paperwork to the Fugitive Section by 0700 hours the next day at (240) 773-5325:
    - Charging Document
    - Other agency's warrant or NCIC hit
    - Confirmation of warrant/ extradition
    - Commitment paper
3. The wanted person cannot be charged as a Fugitive from Justice until cleared of all local charges.

##### B. Wanted by a Federal or Military Law Enforcement Agency (2752)

A Fugitive from Justice charge is not necessary during normal working hours for these agencies. Notify the demanding agency to respond and take custody of the

fugitive. If the federal authorities will not respond immediately or the delay will be excessive (prohibiting detention at the district station), process the subject as directed in section IV.A.

##### C. Traffic Warrants

Officers are to follow the procedures in section IV.A when serving traffic warrants from jurisdictions outside of Maryland.

#### V. Service of Montgomery County Warrants by Other Agencies

##### A. Responsibilities of the Montgomery County Department of Police Warrant Control Section

1. When a person is arrested outside of Montgomery County pursuant to a warrant issued in Montgomery County, the Warrant Control Section (WCS) will check the warrant on file and determine whether the wanted subject can be arraigned outside of Montgomery County or if the subject must be returned to Montgomery County.
2. If the warrant does not specify that the person be returned to Montgomery County, the WCS will fax a copy of the warrant to the outside agency holding the person. If the warrant orders that the person be returned to Montgomery County, the WCS will contact the appropriate district station to request that the person be picked up by MCP officers.
3. If the outside agency serves the warrant and the individual is subsequently released, the WCS will:
  - a. Request the outside agency return, via fax:
    - The completed warrant (the "Return of Service" section must be filled out by the arresting officer), and
    - A copy of the outside agency's arrest report.
  - b. Cancel the want index when the completed warrant and arrest report from the outside agency are received.
  - c. If the served warrant was a criminal warrant (not traffic), send the completed warrant and the arrest report from the outside agency to the Telephone Reporting Section so that an MCP supplement or event report may be completed.
4. If the individual is not released after the warrant is served by the outside agency, the WCS will contact the appropriate district station to request that MCP officers pick up the person.

##### B. Procedures for Returning the Defendant to Montgomery County

1. If a person, who is arrested outside of Montgomery County pursuant to a warrant that was issued in Montgomery County, is unable to

post bond after being arraigned, MCP officers will be sent to pick up the individual.

2. MCP officers will pick up the individual, the commissioner's commitment, and a copy of the outside agency's arrest report.
3. Before leaving the detention facility, MCP officers should review the Commissioner's commitment. The Commissioner or Judge should have authorized the transfer of the defendant from the county of arrest to Montgomery County. If this was not done, then the MCP officers must present the commitment from the county where the defendant was arrested to the Commissioner in Montgomery County. The Commissioner will then issue a commitment ordering the defendant's commitment to Montgomery County. The defendant does not need to see the Commissioner.
4. Officers will deliver both the individual and the commitment directly to the CPU (refer to FC 811). Additional processing and arraignment are unnecessary.
5. Transporting officers must complete a supplement report for criminal warrants that have a CR number and an event report for criminal warrants that do not have a CR number. The victim is the outside agency, the clearance is 2791, and no arrest report is necessary.

C. Responsibilities of the Telephone Reporting Section (TRS)

1. When criminal warrants are served by outside agencies and the arrested individual is released without being returned to Montgomery County, TRU personnel will complete a supplement report for criminal warrants that have a CR number and an event report for criminal warrants that do not have a CR number. The victim is the outside agency, the clearance is 2791, and no arrest report is necessary.
2. TRU personnel will forward the completed reports according to their established procedures.

VI. **Proponent Unit:** Fugitive *Section*

VII. **Cancellation**

*This directive cancels Function Code 521, effective date 08-18-99, and Headquarters Memorandum 97-04.*

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J. Thomas Manger  
Chief of Police



# ADULT ARREST WARRANT/DCS PROCESSING AND SERVICE

FC No.: 536

Date: 06-23-04

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Policy
- II. Warrant Entry
- III. Warrant Confirmation
- IV. Warrant Cancellation
- V. Warrant Service by Fax
- VI. District Court Summons (DCS) Service
- VII. Proponent Unit
- VIII. Cancellation

### I. Policy (CALEA 74.1.2)

The Warrant Control Section (WCS) is responsible for the entry, maintenance, faxing, and canceling/clearing of all adult arrest warrants issued in Montgomery County. The processing and service of District Court Summonses is the responsibility of the Rockville District Station.

### II. Warrant Entry

#### A. Arrest Warrants - Criminal and Traffic

The employee receiving the warrant from the commissioner will:

1. Complete an MCP 72, "Warrant/DCS Control," entering all available information. The following information is required: CR#, date, defendant's name, **document number**, charge(s), **employee's** name, and district.
2. Attach the MCP 72, a copy of the incident report pertaining to the charge, and all related documents to the original arrest warrant and forward the package to the WCS via interoffice mail.
  - a. The original arrest warrant will be filed at the WCS.
  - b. Officers will note in the additional information section of the MCP 72:

- *If the warrant is being served by a plain clothes unit.*
- *A contact name and phone number of the investigating officer if notification is requested when the defendant is arrested, before or after transportation to CPU.*
- *If the officer does not want the WCS to attempt contact with the subject listed on the warrant/DCS.*

- c. Forwarding the warrant to the WCS does NOT relieve the obtaining officer from attempting to serve the warrant.
- d. Employees will not call the Emergency Communications Center (ECC) for the purpose of making a MILES/NCIC computer entry on wanted persons.
- e. When an immediate computer entry of a warrant is desired, **the warrant** must be hand carried to the WCS for processing.

#### B. District Court Bench Warrants (DCBW's)

All DCBW's, criminal and traffic, are forwarded directly by the District Court to the WCS where they are to be researched, entered, and maintained.

### III. Warrant Confirmation

- A. A computer "hit" alone is not probable cause for arrest until the originating agency has confirmed the existence of the warrant. The WCS must be contacted to review the computer "hit" and confirm the existence of that warrant and any additional warrants on file which may not yet be entered into MILES/NCIC.

- B. *All out of county warrants must be confirmed with the issuing agency via MRC/ECC.*

### IV. Warrant Cancellation (CALEA 82.3.8.e)

All cancellations of wanted persons (adult warrants) will be accomplished through the



WCS. Cancellation of the computer "hit" is not to be made through the ECC dispatcher.

#### Warrant Service by Fax

- A. The faxing of arrest warrants for the purpose of service will be between the WCS and the Central Processing Unit (CPU) only. Faxing warrants between districts/units for the purpose of service is prohibited.

The following faxing procedure will be followed:

1. Warrants will not be faxed from the WCS until the arrested person is in the CPU facility.
2. The faxed warrant package will include an MCP 215, "Warrant Transmittal Sheet." The MCP 215, along with only the cepi page of each warrant served, will be faxed back to the WCS by the CPU staff immediately after arraignment. If fax facilities are inoperative, the arresting officer will respond to the WCS and pick up the warrant(s). Officers should not respond to the WCS to pick up warrants unless the fax service is inoperative.
3. When the return cepi and transmittal sheets cannot be returned via fax, CPU staff will *contact WCS for other arrangements.*

#### VI. District Court Summons (DCS) Service

- A. Whenever a DCS is issued by a Commissioner and turned over to department personnel, the receiving employee will ensure completion of the following:
1. MCP 72
  2. Applicant's Questionnaire (District Court form)
  3. Event Report (or a supplement report if an event report was completed for the crime on a previous occasion). Occasionally, a person originally listed on the event report as a suspect obtains a "cross charge." When this occurs, an additional shaded event report must be written listing the DCS applicant as the victim and the DCS defendant as the suspect.
- B. The entire package, including the face sheet only of the event or supplement report(s), will be returned to the Commissioner. An officer assigned to the Rockville District is responsible for serving DCSs and completing all


subsequent paperwork. A warrant is issued for those persons who do not appear.

- C. Any officer who wishes to personally serve a DCS will inform the Commissioner of this when delivering the application. The Commissioner will then return the completed DCS to the applying officer who will attempt personal service and write the necessary supplemental reports.

#### VII. Proponent Unit: *Major Crimes Division* and the Rockville District Station.

#### VIII. Cancellation

*This directive cancels Function Code 536, dated 06-21-99.*



J. Thomas Manger  
Chief of Police





# FIELD INTERVIEWS

FC No.: 625

Date: 03-02-04

If a provision of a regulation, departmental directive, rule or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Policy
- II. Procedures
- III. Purging of the Record
- IV. Proponent Unit
- V. Cancellation

## Appendix A: MCP 594, "Field Interview Report"

### I. Policy

It is the policy of the department to utilize the MCP 594, "Field Interview Report," as a tool to gather information on suspicious subjects and/or situations. The form is appropriately used when circumstances may indicate the possibility of criminal activity. Field interview information is intended for use in conjunction with other types of information for the purpose of developing leads on crime patterns or criminal activity. Interviews will be conducted in a professional manner with due regard given to minimizing any potential adverse reaction by citizens who are interviewed. (CALEA 41.2.4)

### II. Procedures

- A. Although not limited to the following situations, field interviews generally may be conducted under the following circumstances: (CALEA 51.1.1.a)
  - 1. Documenting circumstances when officers find subjects in situations that are suspicious by time of day, location, behavior, etc., but no probable cause for arrest exists.
  - 2. Recording information on subjects who were in the company of persons who were arrested but no probable cause to arrest existed for those subjects.
  - 3. Recording information on young juveniles for very minor offenses when no arrest is thought appropriate by the investigating officer.
  - 4. Documenting circumstances to include subjects and/or vehicles when a crime has occurred but no probable cause for arrest exists.
- B. Recording the Field Contact (CALEA 51.1.1.b)
  - 1. Field interviews and interrogations conducted by officers will be recorded on the MCP 594. The

form will be filled out as completely as possible to **include the incident number**. This makes the information more worthwhile to crime analysts and other officers. Any additional information which may prove to be helpful should be recorded in the additional information block on the back of the form.

- 2. Officers completing the MCP 594 will turn it in to the District Crime Analyst. The District Crime Analyst will then research the information and enter it into a database for analysis. The District Crime Analyst will be responsible for appropriate distribution.

### III. Purging of the Record (CALEA 51.1.1.c)

The information will be retained in the database for at least five years as prescribed by the guidelines for retention of intelligence information and will be purged only upon the authority of the Director, Crime Analysis Section.

### IV. Proponent Unit: Crime Analysis Section

### V. Cancellation

*This directive cancels Function Code 625, effective date 04-09-99.*

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J. Thomas Manger  
Chief of Police



# FIREARMS SEARCH REPORT

## (MSP-97)

FC No.: 725

Date: 06-16-05

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

### Contents:

- I. Policy
- II. Legal Requirements
- III. Procedures
- IV. Proponent Unit
- V. Cancellation

#### I. Policy

*Criminal Law Article 4-206, of the Annotated Code of Maryland, requires the completion of a written report, within 24 hours, after the search or seizure of a handgun. The completion of a Firearms Search Report (MSP 97) will fulfill this requirement when conducting a limited search (patting or frisking) of a person for a handgun when an officer reasonably believes that a person may be wearing, carrying, or transporting a handgun.*

#### II. Legal Requirements

The Firearms Report (MSP-97) must be filled out by any officer who conducts a limited search for a handgun pursuant to *CR 4-206*.

- A. The MSP-97 must be completed within 24 hours of the search.
- B. The MSP-97 must be completed regardless of the outcome of the search.
- C. A completed MSP-97 shall be sent to the Superintendent of the Maryland State Police (MSP).

#### III. Procedures (CALEA 1.2.4.b)

- A. The MSP-97 will be utilized when a "patting or frisking" of a person for a handgun is performed, regardless of the outcome of the search. The "patting or frisking" may extend beyond a suspect's clothing to a bag or container that is within the reach of the suspect.
- B. When the MSP-97 is used in the "patting or frisking" for a handgun, it will be completed in duplicate by the investigating officer, signed by a supervisor, and submitted to the Records Division. The investigating officer will state in the incident report that a limited search, seizure, and arrest, under *CR 4-206*, was

conducted and an MSP-97 was completed and submitted to the MSP. *Additionally, an MCP 723, "ATF Firearms Trace Request Form," will be completed on every handgun recovered (refer to FC 723, "ATF Firearms Traces").* Officers should make every effort to obtain driver's license and Social Security numbers before forwarding the form to MSP. If the investigating officer desires a copy of the MSP-97 for a case file, it should be made before the report package is submitted to Records Division.

- C. The Records Division will mail the original MSP-97 to the Superintendent of the Maryland State Police and file the copy at Headquarters.
- D. The Handgun Permit Section of the MSP will file the handgun search report and trace the weapon recovered to its last known owner. The Section will also verify any/all applicable handgun permits. Once the search is completed, the Handgun Permit Section of the MSP will report their findings to the originating officer.

#### IV. Proponent Unit: Training & Education Division

#### V. Cancellation

*This directive cancels Function Code 725, effective date 06-25-98.*

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J. Thomas Manger  
Chief of Police



## HEADQUARTERS MEMORANDUM 01-14

File With: FC 511

Distribution: All

Date: 09-07-01

**Subject: Completion of Charging Documents**

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The State's Attorney's Office has requested that when officers fill out charging documents at CPU, they ensure that the entire location is spelled out completely when describing the location of the offense. Occasionally, when the charging documents are printed out, abbreviations for the district locations are printed. Because all locations must be completely spelled out, in situations like these, officers must hand-write the location on the charging document.

The State's Attorney's Office has lost several cases because charging documents did not have the location of the offense completely spelled. Effective immediately, all locations will be spelled out on charging documents.

A handwritten signature in cursive script, reading "Charles A. Moose", is positioned above a horizontal line.

Charles A. Moose, Ph.D.  
Chief of Police

CAM/afk



## HEADQUARTERS MEMORANDUM 04-14

File With: FC 513

Distribution: All

Date: 09-30-04

### Subject: Restrictions on Searches

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A search incidental to arrest may only be conducted when a lawful custodial arrest is made.

An arrest is the taking, seizing, or detaining of the person of another, by any act that indicates an intention to take him into custody and that subjects him to the actual control and will of the person making the arrest. There are two historical rationales for the "search incident to arrest" exception to warrant requirement:

1. The need to disarm the suspect in order to take him into custody, and
2. The need to preserve evidence for later use at trial.

U.S. v. Robinson, 94 S.Ct. 467 (1973), states that a custodial arrest involves "danger to an officer" because of "the extended exposure which follows the taking of a suspect into custody and transporting him to the police station." When an officer affects a lawful custodial arrest, the officer is permitted to conduct a contemporaneous search of the person of the arrestee. Before a search incidental is deemed valid, the arrest itself must be lawful. An officer's intent whether to take the person into custody is a factor to consider.

#### Criminal Citations

The officer's intent is critical to whether an arrest occurs. If the officer has no intent to take a subject into custody, the officer CANNOT conduct a search incidental on the mere issuance of a criminal citation or an non-incarcerable traffic offense. If the officer is not making a full custodial arrest, the officer CANNOT conduct a search incidental.

**Example:** You stop an individual for speeding. As you approach the car you observe CDS paraphernalia in plain view. At this point you can make either a full custodial arrest or you can merely issue a criminal citation. If you are only going to issue a criminal citation, you CANNOT make a search of that person or vehicle as incidental to arrest.

You may still have the authority to conduct a Terry pat-down if you have reasonable and articulable suspicion that the person is armed.

#### Civil Citations

You CANNOT conduct a search incidental on civil citations; there is no authority to make an arrest (i.e., underage possession of alcohol).

#### General

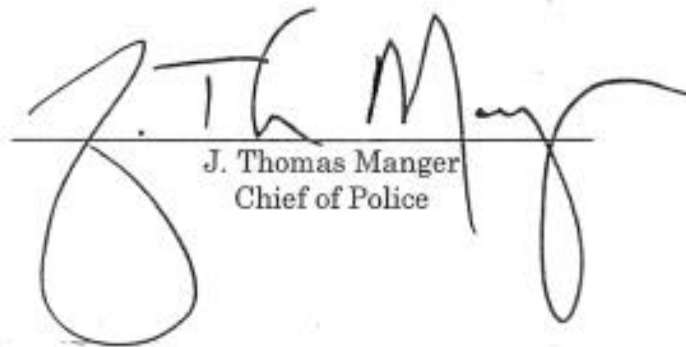
The threat to officer safety from issuing a citation is a good deal less than in the case of a custodial arrest. The rationale for the "search incident to arrest" for disarming the suspect in order to take him into custody does not apply when the officer, having probable cause to make a custodial arrest, issues a citation instead. While the concern for officer safety in this context may justify the additional minimal intrusion of ordering a driver and passengers out of the car,

it does not by itself justify the often considerably greater intrusion of a full field-type search. Officers have other, independent bases to search for weapons and protect themselves from danger.

Arrests, Without Processing or Charging (FC 513, Section IV.A)

On occasion, an officer may have probable cause to arrest a suspect but subsequently releases the person without placing charges.

1. If a prior report is on file, write a supplement report detailing the arrest and release in the narrative.
2. If no report is on file, obtain a CR number, and complete a 2938 event report detailing the arrest and release in the narrative. No arrest report or criminal ID will be obtained.



J. Thomas Manger  
Chief of Police

JTM:ksp





## HEADQUARTERS MEMORANDUM 99-10

File With: FC 711

Distribution: All

Date: 07-09-99

**Subject: Search Warrants - Prohibited Access**

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The Supreme Court has recently ruled that it is a violation of the Fourth Amendment for police to bring members of the media or other third parties into a home during the execution of a warrant when the presence of the third parties was not in aid of the warrant's execution. Therefore, representatives of the news media and other third parties will not be allowed access to the location where a search warrant is being served without prior approval from the Chief of Police.

The Supreme Court acknowledged that, in some circumstances, the presence of third parties aiding in the execution of the warrant would be constitutionally permissible. For example, when the police enter a home under the authority of a warrant to search for stolen property, the presence of third parties for the purpose of identifying stolen property would be permissible.

Officers should familiarize themselves with Maryland Rule 4-601(h), which states "Except for disclosures required for the execution of a search warrant or directed by this Rule or by order of court issued pursuant to this Rule, a person who discloses before its execution that a search warrant has been applied for or issued, or a public officer or employee who discloses after its execution the contents of a search warrant or the contents of any other paper filed with it, may be prosecuted for criminal contempt of court."

A handwritten signature in cursive script, likely of Lt. Col. Thomas D. Evans, is positioned above a horizontal line.

Lt. Col. Thomas D. Evans  
Acting Chief of Police



# EMERGENCY EVALUATION OF MENTALLY DISORDERED INDIVIDUALS

FC No.: 921

Date: 06-10-05

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Policy
- II. Crisis Intervention Team (CIT)
- III. Pre-Booking Diversion
- IV. Petition Procedure
- V. Procedure While at the Emergency Facility
- VI. Transporting Aggressive Patients with Mental Illness
- VII. Clearance and Reporting
- VIII. Requirements for Reimbursement of Transportation Costs
- IX. Resolution of Issues Between the County Police and the Sheriff's Office
- X. Proponent Unit
- XI. Cancellation
- Appendix A: CIT Pre-Booking Diversion Flow Chart
- Appendix B: MCP 2942, "Petition for Emergency Evaluation Information Sheet"
- Appendix C: MCP 557, "Transport Reimbursement Memorandum"
- Appendix D: CC/DC 13, "Petition for Emergency Evaluation"
- Appendix E: CC/DC 14, "Additional Certification by Peace Officer"
- Appendix F: MCP 921, "Crisis Intervention Team Application"
- Appendix G: MCP 922, "Crisis Intervention Team Report"

## I. Policy

Under Maryland law, police officers, duly licensed physicians, certified psychologists, and local health officers or designees of the Health Office can seek emergency evaluation of individuals whom they feel meet the established criteria. When an officer *suspects an individual suffers a mental disorder and presents a danger to the life and safety of the individual or others*, the officer will take the

individual into custody and complete the Petition for Emergency Evaluation (and the accompanying procedures) as outlined in this directive. *The petition for the emergency evaluation may be based on examination, observation, or other information that is pertinent to the factors giving rise to the petition.* (CALEA 71.3.1)

## II. Crisis Intervention Team (CIT)

- A. *The Crisis Intervention Team (CIT) consists of volunteer officers trained in handling the mentally ill consumer. A consumer is an individual (or parent of a minor child) who received mental health services from the Maryland Public Mental Health System.*
- B. *Employees interested in becoming a CIT officer must complete an MCP 921, "Crisis Intervention Team Application," (appendix F) and submit it to the CIT Coordinator.*
- C. *Volunteer employees (both sworn and non-sworn) receive 40 hours of instruction on mental illness and techniques used to effectively de-escalate crisis incidents involving mentally ill consumers. Upon completion of the 40 hours of training, the employees will become certified as CIT members. CIT members will be awarded a CIT insignia to be worn above their nametags.*
- D. *The CIT officer will be identified in the CAD with a code so they can be dispatched when requested to handle complicated mental illness calls for service. The CIT officer will respond to the scene when requested by the beat officer or officer assigned to the call. If there are no trained CIT officers available in a specific district, an adjoining district CIT officer and that officer's supervisor will be notified of the need for the CIT officer to respond.*
- E. *Once the CIT officer is on the scene of a mental illness call, the CIT officer becomes the primary officer. This does not relieve the first officer on the scene of a hostage, barricade, or life-threatening situation from activating the*

*Emergency Response Team as directed in FC 950, "Emergency Response to Hostage, Barricade, and All Life-Threatening Situations," if such activation is tactically necessary.*

*F. The CIT officer will determine:*

- 1. If the mentally ill consumer is in need of a Petition for Emergency Evaluation.*
- 2. If the Mobile Crisis Team needs to respond to assist.*
- 3. If the mentally ill consumer needs to be charged criminally or diverted to mental health services. (Refer to section III.)*
- 4. If the mentally ill consumer does not require immediate medical or mental health attention and can be referred to resources available during normal business hours.*

*G. The CIT officer will complete:*

- 1. An MCP 922, "Crisis Intervention Team Report" (appendix G) and forward it to the CIT Coordinator.*
- 2. All other required reports.*

*H. The Crisis Intervention Team Coordinator is assigned to Field Services Bureau and can be contacted at (240) 773-5057 or fax (240) 773-5058.*

*I. Pre-Booking Diversion (Appendix A)*

*Pre-booking diversions will be completed at CPU between 0800 and 2400 hours seven days a week. CIT Officers will request ECC notify the Crisis Center while they are enroute to CPU with the consumer. Crisis Center staff will meet the CIT Officer at CPU to conduct the pre-booking diversion assessment.*

**IV. Petition Procedure**

**A. Citizen Petitioners**

- 1. A citizen who has reason to believe a person is suffering from a mental disorder and presents a danger to the life and safety of the individual or others may complete a petition for the emergency evaluation of that person. Judicial review is required when a citizen is the petitioner.*
- 2. If the court is open:*
  - a. The petitioner will present the petition to a judge of the District Court for immediate review.*
  - b. Upon determining that probable cause exists to detain the subject named in*

*the petition, the judge will sign the order and direct the Sheriff to take the subject into custody and transport the subject to an emergency facility.*

- c. If the judge determines the petition does not establish probable cause, the judge will order no further action.*
- 3. If the District Court is closed:*
  - a. The petitioner will request a petition application from the nearest available District Court Commissioner.*
  - b. The Commissioner will take appropriate action to provide for review of the petition by the on-call judge.*
  - c. If the judge signs the order, the commissioner will contact the Sheriff for service of the petition. If the Sheriff is not available, the commissioner will contact MCP for service of the petition.*
  - d. The life of the judge's order is five days.*

**B. Departmental Responsibilities in Serving Petitions Obtained by Citizens (CALEA 5.1.3)**

- 1. The petitioner will respond, with the petition, to the district where the petition is to be served.*
- 2. The PSA will attach an MCP 2942, "Petition for Emergency Evaluation Information Sheet," (Appendix B) to the petition and instruct the petitioner to complete the form.*
- 3. The primary concern is the welfare of the evaluatee and other citizens. Shift supervisors will not delay service of a petition arbitrarily. If all officers are already assigned to non-emergency calls, shift supervisors should reassign officers to ensure that the petition is served as soon as possible. Delay of service is appropriate when:*
  - a. The evaluatee (or others) would not be endangered due to the delay, or*
  - b. Other factors necessitate a delay (e.g. higher priority calls, no officers available, etc.).*
- 4. A minimum of two officers will be assigned to serve the petition. One of the officers should be the same sex as the person named in the petition whenever practical.*
- 5. Officers serving a petition will notify ECC of their status (Code 62).*
- 6. The shift supervisor responsible for overseeing service of the petition will ensure that:*

- a. The MCP 2942 is as complete as possible.
  - b. The individual named in the petition is placed in custody as soon as possible.
  - c. The individual is transported to the closest designated emergency facility for evaluation (Holy Cross, Montgomery General, Shady Grove Adventist, Suburban, or Washington Adventist).
7. If officers locate the evaluatee, two officers will take the evaluatee into custody and transport the evaluatee to the nearest hospital utilizing a single vehicle. Officers will request that the dispatcher have the station call the hospital and advise them that the police are bringing in a patient for an emergency evaluation and request that hospital security meet them in the emergency room. Service of the petition will be documented by completing Court Form CC/DC 27, "Return of Service by Peace Officer," which will be found attached to the petition. (CALEA 71.1.3, 71.3.1)
  8. If officers assigned to serve a petition are unable to locate the evaluatee, they will record their attempts to serve the petition on the MCP 2942 and return the petition to their supervisor. The supervisor will determine whether additional attempts at service will be made by the police or if the petition should be returned to the Sheriff's Office.
  9. If the shift supervisor determines that additional attempts at service should be made by the oncoming shift, that supervisor will deliver the petition to the oncoming shift supervisor. The transfer of the petition will be recorded on the MCP 2942.
  10. If the shift supervisor determines that the petition should be returned to the Sheriff's Office for service, the supervisor will ensure that the unserved petition is hand-carried to the Sheriff's Office or relayed to the Sheriff's Transport Unit as soon as possible. The transfer of the petition will be recorded on the MCP 2942.
  11. If a person named in a petition is subsequently located (e.g., if a family member finds the person and notifies the Sheriff's Office), and the petition is at the Sheriff's Office, the Sheriff's Office will contact ECC to request the police serve the petition when a Sheriff's Office supervisor has determined that:
    - a. The Sheriff's Transport Unit is out of service,
    - b. The Sheriff's Office has no other personnel available to serve the petition, and
    - c. Delaying the service would endanger the evaluatee or others.
  12. If the Sheriff's Office is unable to relay the petition to the police district where the petition is to be served, the police will obtain the petition from the Sheriff's Office.
- C. Responsibilities of Police Officers as Petitioners
1. If a police officer has probable cause to believe that a person has a mental disorder and *the person presents a danger to the life or safety of the individual or of others*, the officer will take the subject into custody and transport the subject to the nearest designated emergency facility. *The petition may be based on examination, observation, or other information pertinent to the factors giving rise to the petition.* (CALEA 71.3.1)  
*NOTE: The police officer does NOT have to observe the behavior.*
  2. Once at the hospital, officers will complete side 1 of the CC/DC 13, "Petition for Emergency Evaluation," (Appendix D) and the top half of the CC/DC 14, "Additional Certification by Peace Officer." (Appendix E) Both forms will be presented to the physician in charge of the emergency room at the hospital. Officers completing the forms must sign their names and write their titles (e.g., Police Officer III) and ID numbers next to their names.
  3. Officers will take immediate action to prevent harm to all persons. Police officers are not civilly or criminally liable for completing a Petition for Emergency Evaluation or for taking a person into custody for an evaluation when it is done in good faith. As with a physician, certified psychologist, health officer, or designee of the Health Officer, no prior judicial review is required. (CALEA 71.3.1)
- D. Crisis Center/Mobile Crisis Team Staff as Petitioners
1. The staff of the Montgomery County Crisis Center, which includes the Mobile Crisis Team, are named as designees of the Health Officer. Emergency Evaluation Petitions signed by the Crisis Center staff



either at the Crisis Center or on-site in the community do not require prior judicial review. The address and phone number for the Crisis Center are:

1301 Piccard Drive  
Rockville, MD 20850  
(240) 777-4000

2. Upon the completion and signing of a petition for emergency evaluation in accordance with all legal criteria and requirements, the Crisis Center staff will contact ECC to request assistance for service of the petition.
3. ECC will dispatch the Sheriff's Transport Unit. If the Sheriff's Transport Unit is unavailable, ECC will advise a shift supervisor in the district where the petition is to be served.
4. The shift supervisor will consult with the Crisis Center staff and will determine if service of the petition can wait until the Sheriff's Transport Unit becomes available. If the shift supervisor determines that delaying the service for the Sheriff's Transport Unit would be appropriate, the supervisor will advise ECC to assign the call to the Sheriff's Transport Unit when it becomes available.
5. If the shift supervisor determines that delaying the service of the petition would be inappropriate, the supervisor will assign a minimum of two officers to serve the petition. The supervisor will assign at least one officer of the same sex as the person named in the petition whenever practical.

E. Other Assistance Requested by the Mobile Crisis Team

If the Mobile Crisis Team requests police assistance for any reason other than actual petition service (e.g., back-up/security to interview a potential evaluatee, etc.), the police will provide assistance as appropriate.

V. Procedure While at the Emergency Facility

- A. The emergency facility must accept the individual for evaluation upon a properly executed petition.
- B. Officers will give emergency room staff all pertinent information about the evaluatee including the identity and location of the evaluatee's relatives, if known.

- C. The officers will leave the hospital and return to normal duty unless the patient is violent and the physician requests that the officers remain. If the request is made, the officers will advise their supervisor of the request.
- D. The officers must remain at the hospital until their supervisor has responded to the physician's request. If the evaluatee is violent, the supervisor will direct the officers to remain at the hospital. When officers are requested to remain at the hospital, it is the responsibility of the attending physician to examine the evaluatee as promptly as possible.
- E. An evaluatee must be examined within 6 hours after being transported to the emergency facility and may not be detained for longer than 30 hours from the time of arrival at the hospital.
- F. If the examining physician does not certify the evaluatee for admission to a state hospital, the evaluatee will be released immediately. If a police officer was the petitioner, the department will provide transportation for the released patient from the local hospital back to the location where the evaluatee was taken into custody if there is no alternative transportation available to the patient. If the petitioner is anyone other than a police officer, this department will not provide return transportation for released evaluatees unless a shift supervisor believes that extenuating circumstances dictate otherwise.
- G. If the examining physician certifies the evaluatee, the physician shall place the evaluatee in an appropriate facility. Once a physician has placed an evaluatee, the physician will contact the private ambulance company which is under contract with the county. The private ambulance service will transport persons certified for commitment. Officers will only transport persons to a designated emergency facility within the county for evaluation. They will not transport patients to any other facility after an evaluation has been completed.
- H. In all circumstances, whether the evaluatee is certified or not, officers will complete the appropriate event report (2942 - Mental Illness) and all reimbursement forms (see section V).



VI. Transporting Aggressive Patients with Mental Illness (CALEA 71.2.1, 71.3.1)

The transporting of patients with mental illness requires officers to exercise caution to avoid possible injury to themselves or the evaluatee. Officers will use their own judgment to determine the most appropriate method of restraint. Officers should consider leather restraints, ankle cuffs, and waist chains (in addition to handcuffs) based on their assessment of the evaluatee. In situations where the transporting officer deems the patient "aggressive," the following procedures apply:

1. Request an ambulance via ECC.
2. Assist Fire/Rescue personnel with the application of appropriate restraints (e.g., tie-down stretcher, leather restraints, etc.).
3. One police officer will ride inside the ambulance, and a second officer will follow behind in a cruiser. (CALEA 71.1.3)
4. Officers will document the transport on the appropriate departmental report, and the reimbursement forms will be completed whenever the transport is accomplished using a police vehicle.

VII. Clearance and Reporting

*The Mental Transport clearance code (2942) will remain, however, the title will change to "Mental Illness" and will allow the CIT team to track all related mental illness police calls. The classification (2942) will also receive an optional asterisk (\*) and police reports will be prepared on an as needed basis. This does not relieve officers from the responsibility to write reports involving mental transports.*

VIII. Requirements for Reimbursement of Transportation Costs

The Maryland Department of Health and Mental Hygiene (DHMH) will reimburse the Department of Police for the cost of transporting an evaluatee to an emergency facility (Emergency Evaluation Petition only). In order to meet the requirements set by DHMH, the following procedures will be adhered to:

A. Transporting Officers' Responsibilities

1. Transporting officers will be responsible for obtaining and recording ALL required information on the MCP 557, "Transport Reimbursement Memorandum." (Appendix C)
2. Ensure the transport vehicle contains a department-issued first aid kit when transporting an evaluatee as a result of an Emergency Evaluation Petition.
3. Retain a properly executed copy of the Emergency Evaluation Petition and any other related forms.
4. Complete the MCP 557 and forward it along with a copy of the petition, and any other related forms, to the district commander before the end of the tour of duty.

B. Shift Supervisor's Responsibilities

1. Ensure that an MCP 557 is attached to the Petition for Emergency Evaluation before it is assigned to an officer for service.
2. Ensure that all forms are completed before they are submitted to the district commander.

C. District Commander's Responsibilities

Send the Petition for Emergency Evaluation, the completed MCP 557, and any other related forms, via interoffice mail to:

Accounting General Ledger Manager  
Department of Finance  
Division of the Controller  
EOB, Eighth floor

Packets are to be sent to this location for Emergency Evaluation Petitions only.

IX. Resolution of Issues Between the County Police and the Sheriff's Office

Problems arising related to this directive will be resolved by forwarding to the Management and Budget Division a memorandum outlining the issues involved.

X. Proponent Unit: *CIT Coordinator*

XI. Cancellation

*This directive cancels Function Code 921, effective date 06-08-99, and Headquarters Memorandum 01-09.*

FC No.: 921

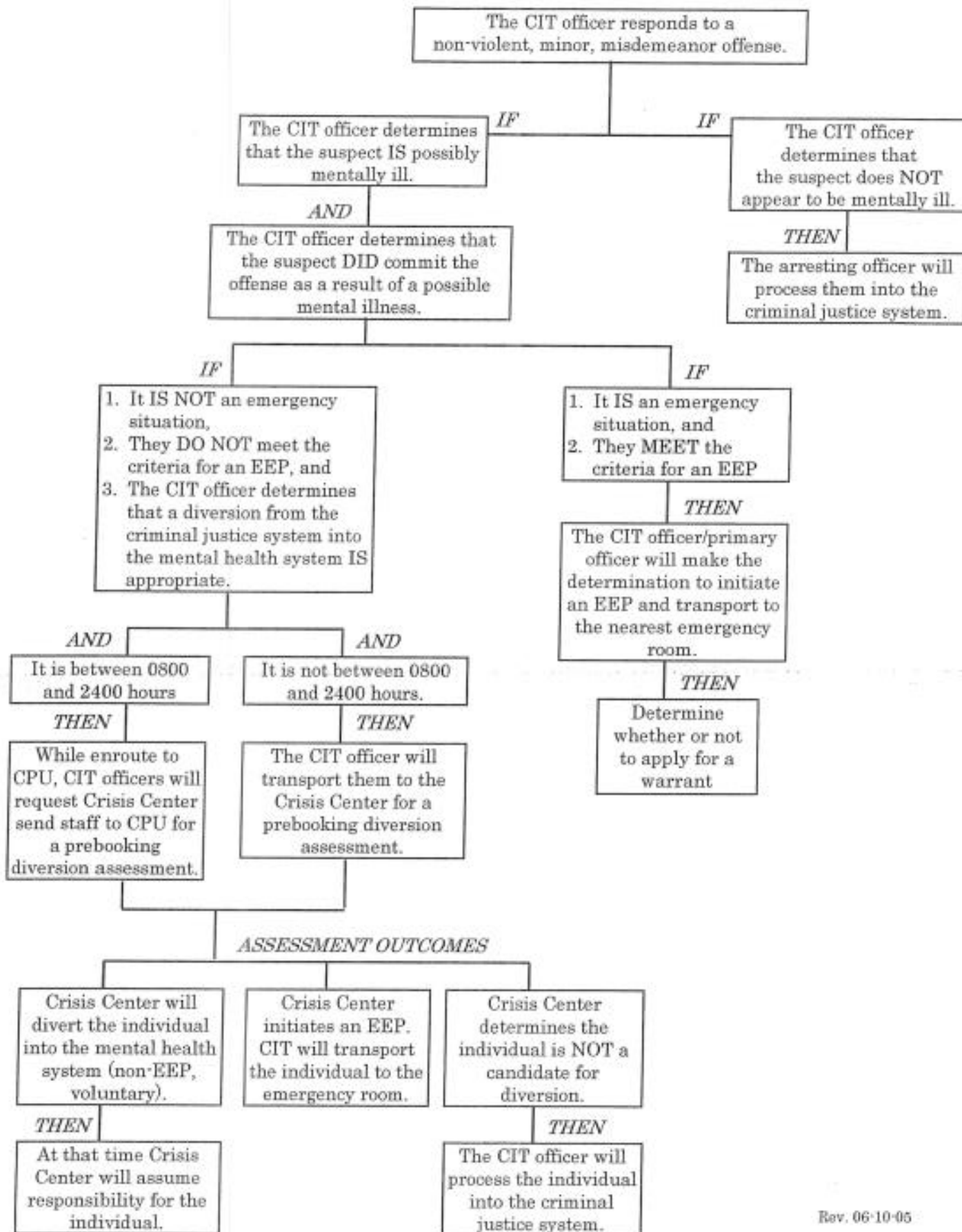
Date: 06-10-05

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J. Thomas Manger  
Chief of Police

# CRISIS INTERVENTION TEAM (CIT) Pre-Booking Diversion

Appendix A  
FC 921



Rev. 06-10-05



## HEADQUARTERS MEMORANDUM 02-05

File With: FC 131

Distribution: All

Date: 03-22-02

**Subject: Use of Deadly Force Against Animals/Reporting Requirements**

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Recently there have been several instances where officers have been required by circumstances to employ deadly force to destroy dangerous dogs that were attacking the officers or other people. While such use of force is properly authorized under FC 131, "Use of Force," I am directing a change in the reporting requirements for such incidents. (CALEA 1.3.6.a)

Effective immediately, when officers employ deadly force for the purpose of destroying an animal who presents a threat to the safety of the officer or anyone else, an event report documenting the incident shall be completed in addition to the MCP 37, "Use of Force Report." Supervisors will forward a copy of the event report through the chain of command to their respective bureau chief. The bureau chief will, in turn, forward copies of the event report to the Animal Services Division and Internal Affairs Division for review. (CALEA-1.3.7)

No event report is necessary if an officer uses deadly force to humanely destroy an injured animal. In such case, only the MCP 37 is required.

I encourage officers who are confronted by dangerous animals to consider possible less than lethal alternatives (such as OC spray, ASP baton, etc.). However, if no reasonable alternative exists and the animal presents a clear threat of death or serious injury, then deadly force may be employed.

A handwritten signature in cursive script, reading "Charles A. Moose", is positioned above a horizontal line.

Charles A. Moose, Ph.D.  
Chief of Police

CAM/jpq/afk